

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

JONES, et al.

Plaintiffs,

v.

Varsity Brands, LLC, et al.,

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

**DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT**

Defendants Varsity Brands, LLC; Varsity Spirit, LLC; Varsity Spirit Fashions & Supplies, LLC; Bain Capital Private Equity LP (“Bain”); Charlesbank Capital Partners, LLC (“Charlesbank”); Jeff Webb; and U.S. All Star Federation, Inc. (“USASF”) (collectively, “Defendants”), by and through their undersigned counsel, respectfully file this Motion for Summary Judgment under Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, because Plaintiffs Jessica Jones and Christina Lorenzen cannot show the existence of a genuine issue of material fact with respect to any of their claims, and Defendants are entitled to judgment as a matter of law dismissing all of Plaintiffs’ claims. Specifically, each of Plaintiffs’ claims requires proof of harm resulting from the anticompetitive effects, in one or more properly defined relevant product and geographic markets, of conduct of Defendants that was actionable and illegal. Such proof is lacking here as to each claim in each market, and with respect to every Defendant.

In support of this Motion, Defendants rely upon their Joint Memorandum of Law in Support of Motion for Summary Judgment, as well as each Individual Memorandum of Law in

Support of Motion for Summary Judgment filed on behalf of Bain, Charlesbank, Mr. Webb, and USASF. Defendants respectfully request that the Court grant the Joint Motion for Summary Judgment and dismiss Plaintiffs' case in its entirety. To the extent the Court concludes that the entire case is not subject to dismissal, Defendants respectfully request partial summary judgment as to those claims and issues as to which the Court determines there is no genuine issue of material fact.

Dated: July 28, 2023

Respectfully submitted,

s/ Matthew S. Mulqueen

---

George S. Cary\*  
Steven J. Kaiser\*  
CLEARY GOTTlieb STEEN & HAMILTON LLP  
2112 Pennsylvania Avenue, NW  
Washington, DC 20037  
Phone: (202) 974-1500  
Fax: (202) 974-1999  
gcary@cgsh.com  
skaiser@cgsh.com

Jennifer Kennedy Park\*  
Heather Nyong'o\*  
CLEARY GOTTlieb STEEN & HAMILTON LLP  
1841 Page Mill Road, Suite 250  
Palo Alto, CA 94304  
Phone: (650) 815-4100  
Fax: (202) 974-1999  
jcpark@cgsh.com  
hnyongo@cgsh.com

\* Admitted *pro hac vice*

Matthew S. Mulqueen (TN #28418)  
Adam S. Baldrige (TN #23488)  
BAKER, DONELSON, BEARMAN, CALDWELL &  
BERKOWITZ  
165 Madison Avenue, Suite 2000  
Memphis, TN 38103

Phone: (901) 526-2000  
Fax: (901) 577-0866  
mmulqueen@bakerdonelson.com  
abaldrige@bakerdonelson.com

*Attorneys for Varsity Brands, LLC; Varsity Spirit, LLC; Varsity Spirit Fashions & Supplies, LLC; Charlesbank Capital Partners, LLC; Bain Capital Private Equity LP*

s/ Nicole Berkowitz Riccio

---

Grady Garrison (TN #008097)  
Nicole Berkowitz Riccio (TN #35046)  
James Andrew Roach (TN #37934)  
BAKER, DONELSON, BEARMAN, CALDWELL  
& BERKOWITZ  
165 Madison Avenue, Suite 2000  
Memphis, TN 38103  
Phone: (901) 526-2000  
Fax: (901) 577-0866  
ggarrison@bakerdonelson.com  
nriccio@bakerdonelson.com  
aroach@bakerdonelson.com

*Attorneys for U.S. All Star Federation, Inc.*

s/ Brendan P. Gaffney

---

Paul E. Coggins\*  
Brendan P. Gaffney\*  
Kiprian E. Mendrygal\*  
Jennifer McCoy\*  
Katherine Wright  
LOCKE LORD LLP  
2200 Ross Avenue, Suite 2800  
Dallas, TX 75201  
Phone: (214) 740-8000  
Fax: (214) 740-8800  
pcoggins@lockelord.com  
bgaffney@lockelord.com  
kmendrygal@lockelord.com  
jennifer.mccoy@lockeord.com  
katie.wright@lockelord.com

\* Admitted pro hac vice

Edward L. Stanton III (TN #018904)

S. Keenan Carter (TN # 023386)

BUTLER SNOW LLP

6075 Poplar Avenue, Suite 500

Memphis, Tennessee 38119

Telephone: (901) 680-7336

Fax: (901) 680-7201

Edward.Stanton@butlersnow.com

Keenan.carter@butlersnow.com

*Attorneys for Jeff Webb*